

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**NAVBLAZER, LLC,**

Plaintiff,

v.

**HYUNDAI MOTOR AMERICA**

Defendant.

**Case No. 2:20-cv-72**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

NavBlazer, LLC (“NavBlazer”) hereby files this Original Complaint for Patent Infringement against Defendant Hyundai Motor America (“Hyundai” or “Defendant”) and alleges, on information and belief, as follows:

**THE PARTIES**

1. NavBlazer is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business at 600 S. Dixie Highway, Suite 605, West Palm Beach, Florida 33401.
2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of California with a principal place of business located at 10550 Talbert Ave, Fountain Valley, California, 92708. Defendant can be served with process by serving National Registered Agents, Inc., 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331, 1332, 1338, and 1367.
4. The Court has personal jurisdiction over Defendant because: Defendant is present within or has minimum contacts within the State of Texas and the Eastern District of Texas; Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Defendant has sought protection and benefit from the laws of the State of Texas; Defendant regularly conducts business within the State of Texas and within the Eastern District of Texas; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in the Eastern District of Texas.
5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendant, directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the United States, the State of Texas, and the Eastern District of Texas including but not limited to the Accused Instrumentalities as detailed below. Defendant's subsidiary South Central Hyundai Dealers Advertising Association, like itself, also has a registered with the Texas Secretary of State because of the amount of business it does here. Its Registered Agent in Texas is the Hyundai Motor America – South Central Region at 1421 S. Beltline Rd., Ste. 400, Coppell, Texas 75019. This commercial property is owned by Hyundai Motor America. Upon information and belief, Defendant has committed patent infringement in the State of Texas and in the Eastern District of Texas. Defendant solicits and has solicited customers in the State of Texas and in the Eastern District of Texas. Defendant has paying customers who are residents of the State of Texas and the Eastern District of Texas and who each use and has used the Defendant's products and services in the State of Texas and in the Eastern District of Texas. Upon

information and belief, Defendant has several regular and established businesses in this district, including but not limited to, one located and owned at 3680 US-259, Longview, TX 75605 in Gregg County and one located and owned at 4100 Hwy 96 Bypass, Silsbee, TX 77656 in Hardin County, has transacted business in this district, and has directly and/or indirectly committed acts of patent infringement in this district.

**U.S. PATENT NOS. 9,075,136 AND 9,885,782**

6. NavBlazer is the owner, by assignment, of U.S. Patent No. 9,075,136 and 9,885,782, each entitled “VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD” (hereinafter collectively referred to as “the Patents-in-Suit”). *See* <https://patents.google.com/patent/US9075136B1/en?q=9%2c075%2c136+> as visited on March 4, 2020; *see also* <https://patents.google.com/patent/US9885782B2/en?q=9%2c885%2c782> as visited on March 4, 2020.
7. The patent application that issued as the '782 Patent is a continuation application of U.S. Patent Application Ser. No. 09/259,957, filed March 1, 1999, and entitled “VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD”, now U.S. Pat. No. 9,075,136. U.S. Patent Application Ser. No. 09/259,957, filed March 1, 1999, claims priority to U.S. Provisional Patent Application Ser. No. 60/076,800, filed March 4, 1998, and entitled “VEHICLE OPERATOR AND/OR OCCUPANT INFORMATION APPARATUS AND METHOD.”
8. The Patents-in-Suit are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
9. Raymond Anthony Joao invented the inventions described and claimed in the Patents-in-Suit.
10. The priority date of each of the Patents-in-Suit is at least as early as March 4, 1998.

11. The Patents-in-Suit relate generally to an apparatus and method for providing a user with one or more possible travel routes to a destination, as well as additional information regarding the one or more possible travel routes, such as traffic conditions, road conditions, traffic flow, weather information and/or other useful information.
12. During prosecution of the '782 Patent, the patent examiner considered whether the claims of the '782 Patent were eligible under 35 USC §101 in view of the United States Supreme Court's decision in *Alice*. The patent examiner found that the claims are in fact patent eligible under 35 USC §101 because all pending claims are directed to patent-eligible subject matter, none of the pending claims are directed to an abstract idea and there would be no preemption of the abstract idea or the field of the abstract idea.

### **ACCUSED INSTRUMENTALITIES**

13. Upon information and belief, Defendant sells, advertises, offer for sale, uses, or otherwise provides automobiles that incorporate navigation devices after July 7, 2015, including, but not limited to, the "Hyundai Kona," "Hyundai Tucson," "Hyundai Santa Fe," "Hyundai Santa Fe Sport," "Hyundai Santa Fe XL," "Hyundai Santa Fe," "Hyundai Elantra," "Hyundai Sonata," "Hyundai Azera," "Hyundai Genesis Sedan," "Hyundai Equus," "Hyundai Accent," "Hyundai Elantra GT," "Hyundai Veloster," "Hyundai Veloster N," "Hyundai Genesis Coupe," "Hyundai Sonata Hybrid," "Hyundai Sonata Plug-in Hybrid," "Hyundai IONIQ Hybrid," "Hyundai IONIQ Plug-in Hybrid," "Hyundai IONIQ Electric," "Hyundai Nexo Fuel Cell," and "Hyundai Kona Electric" automobiles ("Accused Instrumentalities") that infringe the Patents-in Suit.

### **COUNT I**

#### **(Infringement of U.S. Patent No. 9,885,782)**

14. Plaintiff incorporates the above paragraphs by reference.

15. Defendant has been on notice of the '782 Patent at least as early as the date it received service of this Original Complaint.
16. Upon information and belief, Defendant has directly infringed and continue to directly infringe at least Claims 1, 2 and 7 of the '782 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.
17. Defendant, with knowledge of the '782 Patent, also infringes at least Claims 1, 2 and 7 of the '782 Patent by inducing others to infringe the '782 Patent. In particular, Defendant intends to induce its customers to infringe the '782 Patent by encouraging its customers to use the Accused Instrumentalities in a manner that results in infringement.
18. Defendant also induces others, including its customers, to infringe at least Claims 1, 2 and 7 of the '782 Patent by providing technical support for the use of the Accused Instrumentalities.
19. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Instrumentalities in accordance with an end user license agreement.
20. By way of example, the Accused Instrumentalities infringe Claim 1 of the '782 Patent by use of a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle. Defendants' "Hyundai Elantra" automobile (hereinafter "Elantra") is a representative example of the Accused Instrumentalities and includes a GPS navigation device (apparatus). See Figure 1 below, which is an excerpt from the TomTom VIA 1525M2016 Hyundai Elantra Brochure, attached hereto as Exhibit A, showing a "7" multimedia system" included with the Elantra equipped with a "Tech Package." The multimedia system includes satellite navigation functionality.

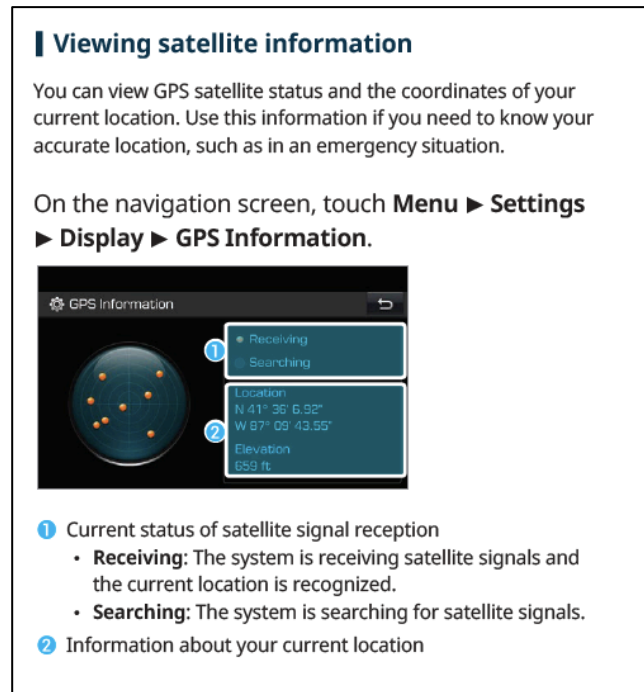


Figure 1<sup>1</sup> - Hyundai Elantra Multimedia System

21. The Elantra uses a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle. See Figure 2 below, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, attached hereto as Exhibit B, that describes how you can "view GPS satellite status and the coordinates of your current location."

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<sup>1</sup> Exhibit A – page 7

Figure 2<sup>2</sup> - Viewing Satellite Information

22. The Elantra uses a processing device, wherein the processing device processes information regarding the location of the apparatus or the location of the vehicle and information regarding a destination, wherein the processing device determines or identifies a travel route to the destination on or along a road, a roadway, a highway, a parkway or an expressway.
23. See Figure 3 below, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, depicting the navigation screen of the Elantra multimedia system. As shown in the excerpt, the calculated travel route along a road is displayed as a blue line (marked as item "9"), the device's current GPS location is displayed as a green arrowhead symbol surrounded by a blue circle, and the distance and time to the destination is shown at the bottom of the display (marked as item "11"). A processing device is necessarily used to process the information regarding the location of the apparatus or vehicle and the destination, process information regarding a destination to which the vehicle can travel, as well as to

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<sup>2</sup> Exhibit B – page "5-23"

determine the travel route to the destination.

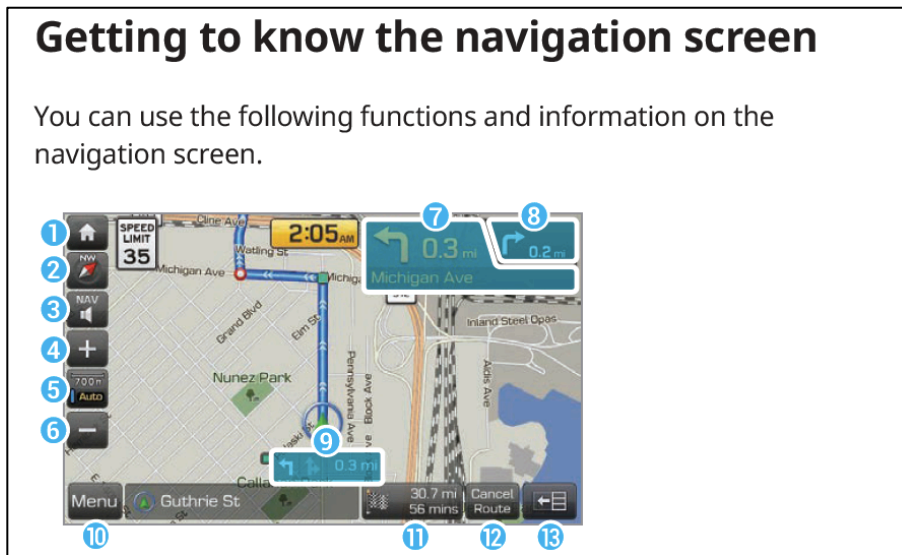


Figure 3<sup>3</sup> - Elantra Navigation Screen

24. The VIA uses a display device or a speaker, wherein the display device displays information regarding the travel route or the speaker provides audio information regarding the travel route.
25. See Figure 1, reproduced below, showing the display of the “7” multimedia system” included with the Elantra equipped with a “Tech Package.” The multimedia system includes satellite navigation functionality. See also Figure 3, reproduced below, which is an excerpt from the Hyundai Elantra Car Multimedia System User’s Manual depicting the navigation screen of the Elantra multimedia system.



Figure 1 - Hyundai Elantra Multimedia System

<sup>3</sup> Exhibit B – page “5-5”



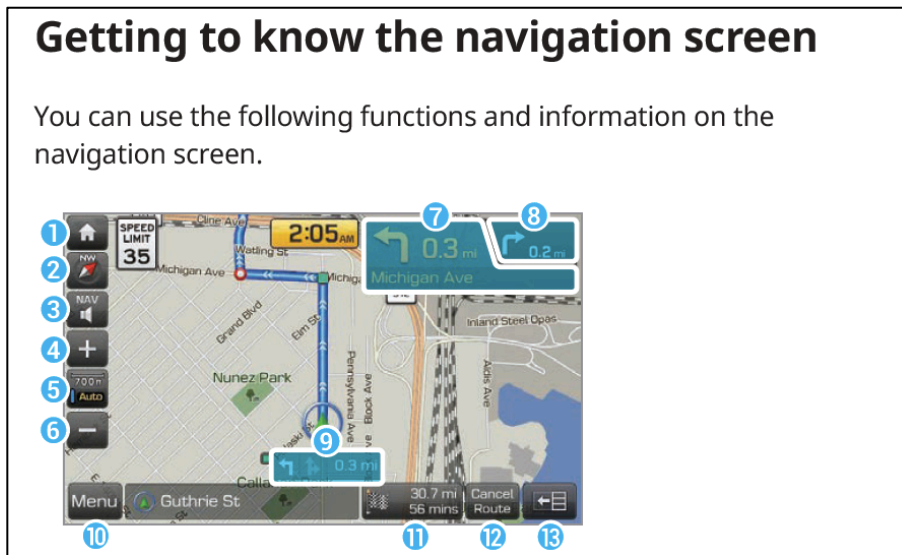


Figure 3 - Elantra Navigation Screen

26. The Elantra uses a receiver, wherein the receiver receives traffic information or information regarding a traffic condition. See Figure 4 below, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, indicating that "[y]ou can view real-time traffic information including any ongoing road work or accidents." See also Figure 5 below, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, indicating that "[t]o view traffic information along your current route or to view all available traffic information, touch On Route." See also Figure 6, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, depicting the display of the multimedia system showing traffic information. A receiver is necessarily required to receive the traffic information referenced in Figs. 4 and 5.

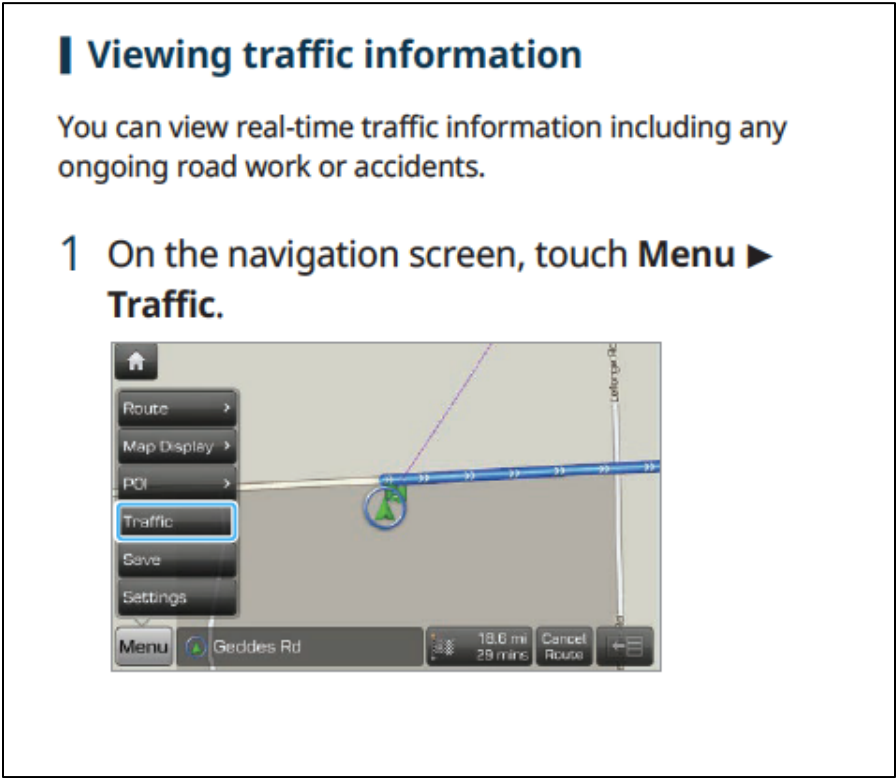


Figure 4<sup>4</sup> – Traffic Information

- 2 Select an item from the traffic information list to view its details.

- To view traffic information along your current route or to view all available traffic information, touch **On Route**.
  - To select the types of traffic information you want to view, touch **Category**.
- 
- Figure 5<sup>5</sup> – Traffic Information
- <sup>4</sup> Exhibit B – page “5-22”
- <sup>5</sup> Exhibit B – page “5-22”
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Figure 6<sup>6</sup> – Traffic Information

27. The Elantra provides the traffic information or the information regarding a traffic condition via the display device or via the speaker. See Figure 6, reproduced below, depicting the display of the multimedia system showing traffic information.



Figure 6 – Traffic Information

28. By way of another example, the Accused Instrumentalities infringe Claim 7 of the '782 Patent by use of

<sup>6</sup> Exhibit B – page “5-23”

an apparatus that “receives maintenance information associated with the travel route or maintenance information associated with a second travel route to the destination, and further wherein the apparatus provides the maintenance information associated with the travel route or the maintenance information associated with the second travel route.” See Figure 6, reproduced below, which identifies “road work” along the travel route and displays this information on a display device.



Figure 6 – Traffic Information

**(Infringement of U.S. Patent No. 9,075,136)**

29. Plaintiff incorporates the above paragraphs by reference.

30. Defendant has been on notice of the '136 Patent at least as early as the date it received service of this Original Complaint.

31. Upon information and belief, Defendant has infringed and continues to infringe at least Claims 55, 56, 61, 69-71, 76, 82, 85, 86, 91 and 94 of the '136 Patent by making, using, importing, selling, and/or, offering for sale the Accused Instrumentalities.

32. Defendant, with knowledge of the '136 Patent, infringes at least Claims 55, 56, 61, 69-71, 76, 82, 85, 86, 91 and 94 of the '136 Patent by inducing others to infringe the '136 Patent. In particular, Defendant intends to induce their customers to infringe at least Claims 55, 56, 61, 69-71, 76, 82, 85, 86, 91 and 94 of the '136 Patent by encouraging its customers to use the Accused Instrumentalities in a manner that results in infringement.
33. Defendant also induces others, including their customers, to infringe at least Claims 55, 56, 61, 69-71, 76, 82, 85, 86, 91 and 94 of the '136 Patent by providing technical support for the use of the Accused Instrumentalities.
34. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Instrumentalities in accordance with an end user license agreement.
35. By way of example, the Accused Instrumentalities infringe Claim 55 of the '136 Patent by use of a global positioning device, wherein the global positioning device determines a location of the apparatus or a location of a vehicle. Defendants' "Hyundai Elantra" automobile (hereinafter "Elantra") is a representative example of the Accused Instrumentalities and includes a GPS navigation device (apparatus). See Figure 1, reproduced below, which is an excerpt from the TomTom VIA 1525M2016 Hyundai Elantra Brochure, attached hereto as Exhibit A, showing a "7" multimedia system" included with the Elantra equipped with a "Tech Package." The multimedia system includes satellite navigation functionality.



Figure 1 - Hyundai Elantra Multimedia System

36. The Elantra uses a global positioning device, wherein the global positioning device determines a position or a location of a vehicle. See Figure 2, reproduced below, which is an excerpt from the Hyundai Elantra Car Multimedia System User’s Manual, attached hereto as Exhibit B, that describes how you can “view GPS satellite status and the coordinates of your current location.”

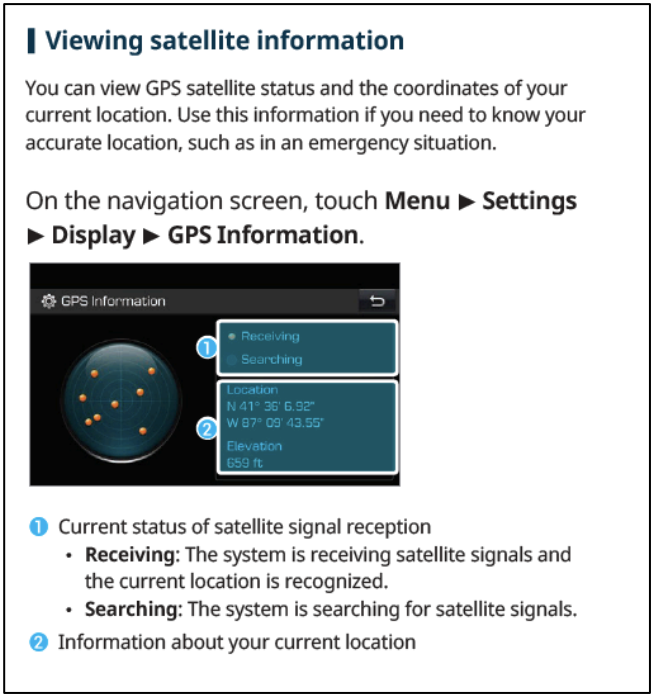


Figure 2 - Viewing Satellite Information

37. The Elantra uses a processing device, wherein the processing device processes information regarding the position or the location of the vehicle and information regarding a destination to which the vehicle can travel on at least one of a road, a roadway, a highway, a parkway, and an expressway, and further wherein the processing device determines or identifies a travel route to the destination.
38. See Figure 3, reproduced below, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, depicting the navigation screen of the Elantra multimedia system. As shown in the excerpt, the calculated travel route along a road is displayed as a blue line (marked as item "9"), the device's current GPS location is displayed as a green arrowhead symbol surrounded by a blue circle, and the distance and time to the destination is shown at the bottom of the display (marked as item "11"). A processing device is necessarily used to process the information regarding the location of the apparatus or vehicle and the destination, process information regarding a destination to which the vehicle can travel, as well as to determine the travel route to the destination.

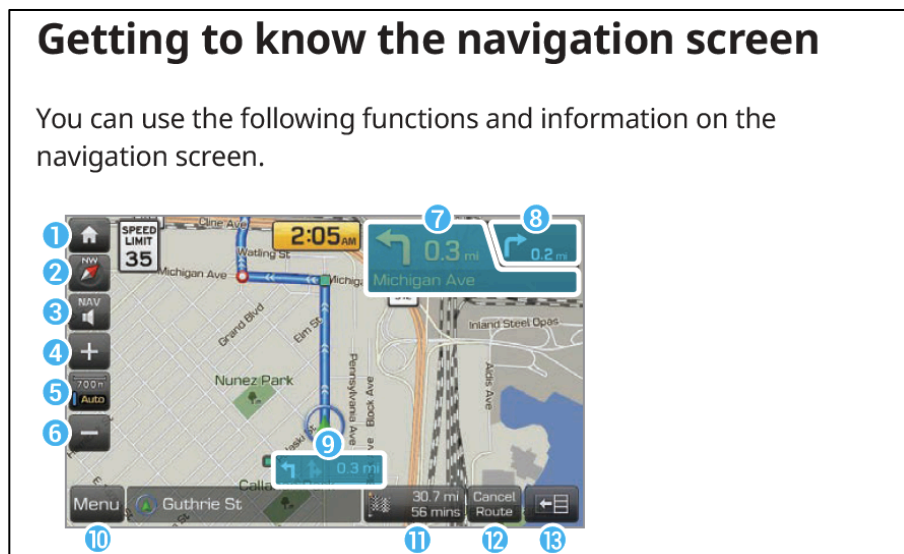


Figure 3 - Elantra Navigation Screen



39. The Elantra uses a display device or a speaker, wherein the display device displays information regarding the travel route or the speaker provides audio information regarding the travel route.
40. See Figure 1, reproduced below, showing the display of the “7” multimedia system” included with the Elantra equipped with a “Tech Package.” The multimedia system includes satellite navigation functionality. See also Figure 3, reproduced below, which is an excerpt from the Hyundai Elantra Car Multimedia System User’s Manual depicting the navigation screen of the Elantra multimedia system.



Figure 1 - Hyundai Elantra Multimedia System

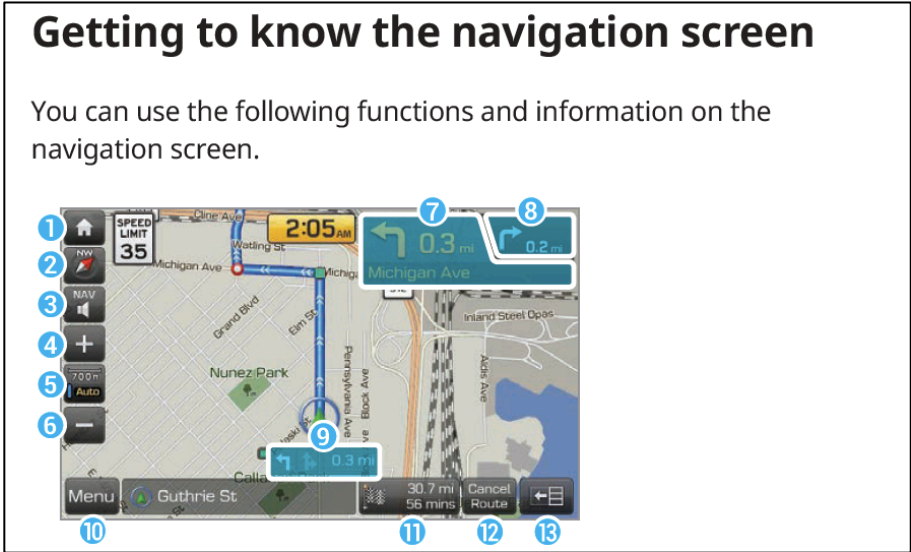


Figure 3 - Elantra Navigation Screen



41. The Elantra uses a receiver, wherein the receiver receives traffic information or information regarding a traffic condition, wherein the traffic information or the information regarding a traffic condition is transmitted from a computer, a transmitter, or a device, located at a location remote from the vehicle.
42. See Figure 4, reproduced below, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, indicating that "[y]ou can view real-time traffic information including any ongoing road work or accidents." See also Figure 5 below, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, indicating that "[t]o view traffic information along your current route or to view all available traffic information, touch On Route." See also Figure 6, which is an excerpt from the Hyundai Elantra Car Multimedia System User's Manual, depicting the display of the multimedia system showing traffic information. A receiver is necessarily required to receive the traffic information referenced in Figs. 4 and 5.

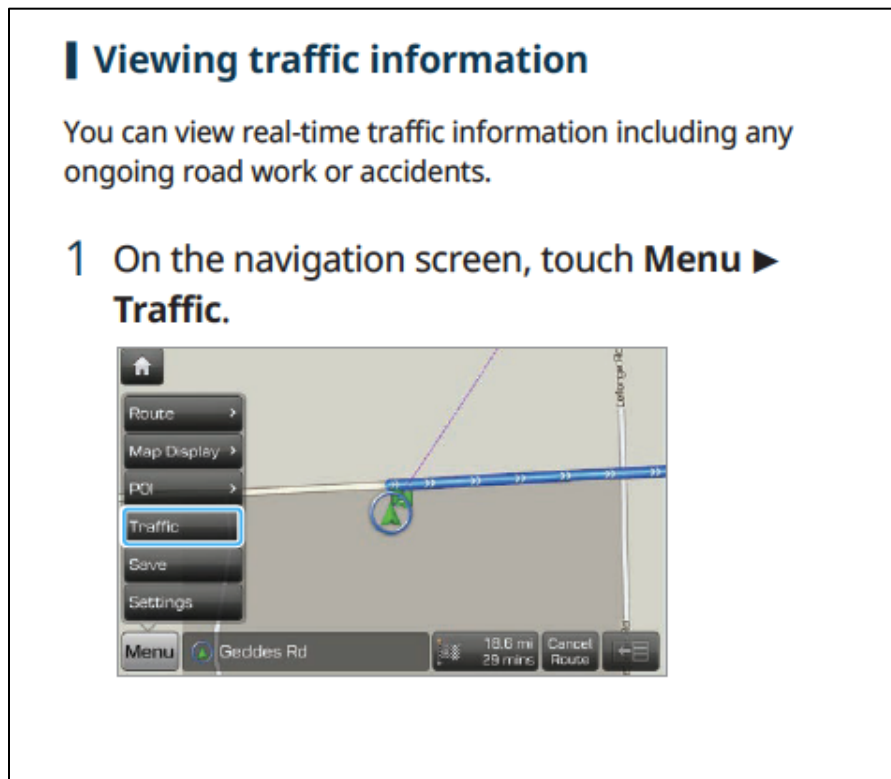


Figure 4 – Traffic Information

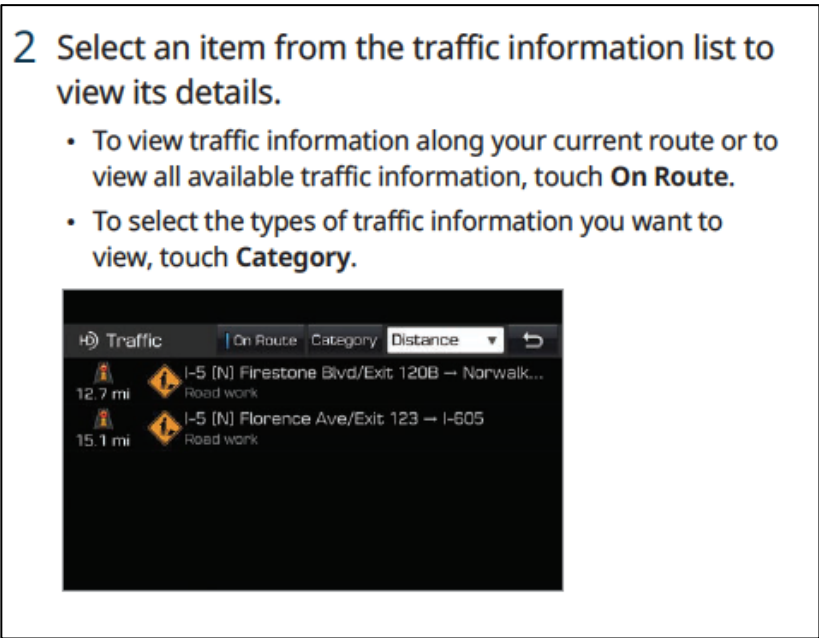


Figure 5 – Traffic Information

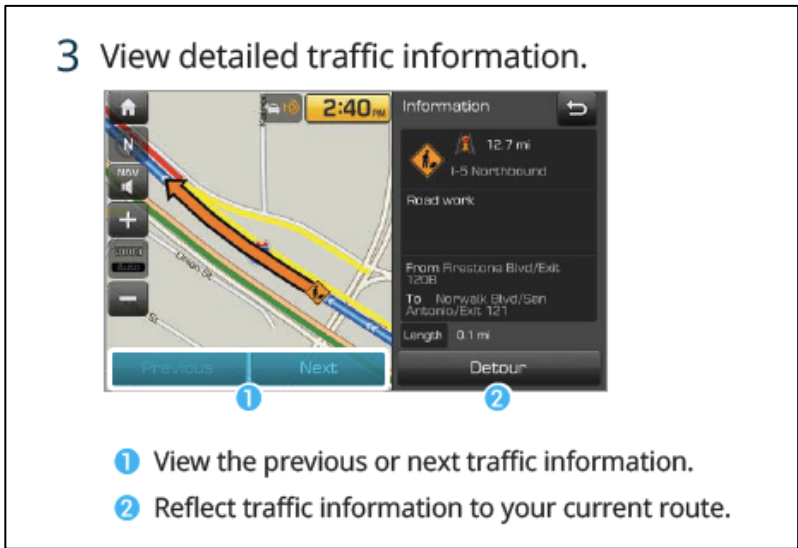


Figure 6 – Traffic Information

43. The Elantra provides the traffic information or the information regarding a traffic condition at the vehicle via the display device or via the speaker. See Figure 6, reproduced below, depicting the display of the multimedia system showing traffic information.



Figure 6 – Traffic Information

44. By way of another example, the Accused Instrumentalities infringe Claims 61 of the '136 Patent by use of an apparatus that “receives maintenance information associated with the travel route or maintenance information associated with a second travel route to the destination, and further wherein the apparatus provides the maintenance information associated with the travel route or the maintenance information associated with the second travel route.” See Figure 6, reproduced below, which identifies “road work” along the travel route and displays this information on a display device.

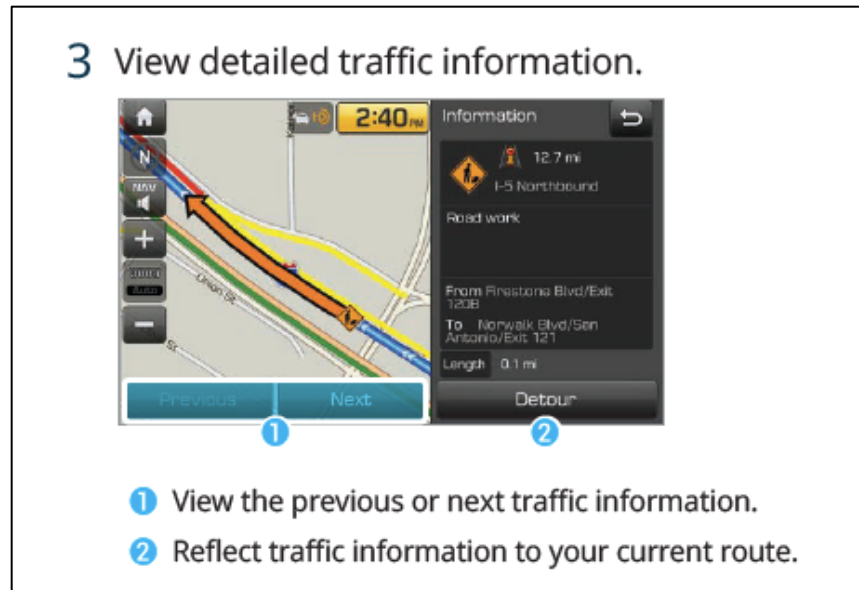


Figure 6 – Traffic Information

### **PRAYER FOR RELIEF**

WHEREFORE, NavBlazer respectfully requests the Court enter judgment against Defendant:

1. Declaring that Defendant has infringed each of the Patents-in-Suit;
2. Awarding NavBlazer its damages suffered as a result of Defendant's infringement of the Patents-in-Suit;
3. Awarding NavBlazer its costs, attorneys' fees, expenses, and interest;
4. Awarding NavBlazer ongoing post-trial royalties; and
5. Granting NavBlazer such further relief as the Court finds appropriate.

**JURY DEMAND**

NavBlazer demands trial by jury, under Fed. R. Civ. P. 38.

Dated: March 4, 2020

Respectfully Submitted

*/s/ Thomas Fasone III*

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